

### Amendments to the Claims

This listing of claims will replace all prior versions and listings of claims in the present application.

1. (currently amended) An isolated DNA molecule encoding a hypersensitive response eliciting protein or polypeptide, wherein the isolated DNA molecule is selected from the group consisting of (a) a DNA molecule comprising SEQ ID NO: 1, (b) a DNA molecule encoding a protein comprising SEQ ID NO: 2, and (c) a DNA molecule from a source other than *Pseudomonas syringae* pv. *tomato* which hybridizes to a DNA molecule comprising the complement of SEQ ID NO: 1 under hybridization conditions comprising hybridization at 62°C for 8 hours in a hybridization medium that contains about 1.7M Na<sup>+</sup> followed by wash conditions effective to remove DNA that binds non-specifically to the DNA molecule comprising the complement of SEQ ID NO: 1, and (d) a DNA molecule complementary to DNA molecules (a), (b), or (c) (a) or (b).

2. (currently amended) ~~An~~ The isolated DNA molecule according to claim 1, wherein said DNA molecule is a DNA molecule comprising SEQ ID NO: 1.

3. (currently amended) ~~An~~ The isolated DNA molecule according to claim 1, wherein said DNA molecule is a DNA molecule encoding a protein comprising SEQ ID NO: 2.

4. (canceled)

5. (currently amended) ~~An~~ The isolated DNA molecule according to claim 1, wherein said DNA molecule is a DNA molecule complementary to DNA molecules (a), (b), or (c) (a) or (b).

6. (currently amended) An expression vector comprising the DNA molecule of claim 1 and a promoter operably coupled to the DNA molecule.

7. (currently amended) ~~An~~ The expression vector according to claim 6, wherein the DNA molecule is in sense orientation relative to the promoter.

8. (original) A host cell transformed with the DNA molecule of claim 1.

9. (currently amended) ~~A~~ The host cell according to claim 8, wherein the host cell is a plant cell or a bacterial cell.

10. (currently amended) ~~A~~ The host cell according to claim 8, wherein the DNA molecule is comprised within an expression vector.

11-39 (canceled)

40. (new) An isolated DNA molecule from a source other than *Pseudomonas syringae* pv. *tomato* which hybridizes to a DNA molecule comprising the complement of SEQ ID NO: 1 under hybridization conditions comprising hybridization at 62°C for 8 hours in a hybridization medium that contains about 1.7M Na<sup>+</sup> followed by wash conditions comprising a wash medium that contains 1.0% SDS and 0.2X SSC, the DNA molecule encoding a polypeptide that elicits a hypersensitive response in non-host plants.

41. (new) The isolated DNA molecule according to claim 40 wherein the DNA molecule encodes a polypeptide that contains a hypersensitive response eliciting domain and a pectate lyase domain.

42. (new) The isolated DNA molecule according to claim 41 wherein the encoded polypeptide is acidic, lacks cysteine, and lacks aromatic amino acids.

43. (new) The isolated DNA molecule according to claim 41 wherein the hypersensitive response eliciting domain comprises a T.P.S/D.A.T motif.

44. (new) The isolated DNA molecule according to claim 41 wherein the hypersensitive response eliciting domain comprises a plurality of glycine-rich repeats.

45. (new) The isolated DNA molecule according to claim 40 wherein the source is selected from the group of *Pseudomonas syringae*, *Pseudomonas viridiflava*, *Ralstonia solanacearum*, and *Xanthomonas campestris*.

46. (new) The isolated DNA molecule according to claim 45 wherein the source is a *Pseudomonas syringae* pathovar selected from the group of *glycinea*, *papulans*, *pisi*, *phaseolicola*, *tabaci*, and *syringae*.

47. (new) An expression vector comprising the DNA molecule of claim 41 and a promoter operably coupled to the DNA molecule.

48. (new) The expression vector according to claim 47, wherein the DNA molecule is in sense orientation relative to the promoter.

49. (new) A host cell transformed with the DNA molecule of claim 41.

50. (new) The host cell according to claim 49, wherein the host cell is a plant cell or a bacterial cell.

51. (new) The host cell according to claim 49, wherein the DNA molecule is comprised within an expression vector.